

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ORLANDO VALERIO,

Plaintiff,

v.

K.A.M. FOOD STORE, INC.,

d/b/a Met Foods,

MAHMOUD HASSAN DOLAH, an individual,

KHALID DOLAH, an individual,

AMIN DOLAH, an individual,

Defendants.

Case No. 1:19-cv-00593-MKB-LB

DECLARATION OF ORLANDO VALERIO

Yo, **Orlando Valerio**, por la presente declaro que:

I, Orlando Valerio, do hereby declare and state:

1. Tengo al menos 18 años de edad, soy competente para escribir esta declaración y la entrego en base al conocimiento personal de los hechos y circunstancias que se detallan en este documento.

I am at least 18 years old, am competent to write this declaration, and am giving this declaration on the basis of personal knowledge of facts and circumstances stated herein.

2. Fui cortador de pollo en la tienda de comestibles Met Foods ubicada en 739 Nostrand Avenue en Brooklyn desde aproximadamente el 10 de mayo del 2018. Mis responsabilidades eran limpiar la carne de pollo y empaquetarla para su venta.

I was a chicken cutter at Met Foods grocery store located at 739 Nostrand Avenue in Brooklyn from approximately October 10, 2015 to May 3, 2018. My responsibilities were to clean the chicken meat and package it for sale.

3. Durante todo el tiempo que trabajé en Met Foods, nunca me pagaron por las horas extra que trabajé. Me pagaban una tarifa plana por semana, incluso cuando trabajaba más de 40 horas a la semana.

For the entire time I worked at Met Foods, I was never paid for any overtime I worked. I was paid a flat rate per week even when I worked over 40 hours a week.

4. Cuando comencé a trabajar para los Demandados en el 2015, recibí \$425 por semana. Esto se incrementó gradualmente a \$550 por semana cuando dejé el empleo de los Demandados.

When I started working for Defendants in 2015, I received \$425 per week. This gradually increased to \$550 per week by the time I left Defendants' employment.

5. Normalmente trabajaba de lunes a viernes y cada dos domingos. Los miércoles, alternaba trabajando un miércoles todo el día, y el próximo miércoles, trabajaba medio día desde las 12:00 p.m. hasta las 5:00 p.m. Generalmente, llegaba al trabajo a las 8:00 a.m. y salía entre las 6:00 p.m. y 7:00 p.m. Con una hora para almorzar.

I normally worked Monday through Friday and every other Sunday. On Wednesdays, I would alternate working one Wednesday all day, and the next Wednesday, I would work a half day from 12:00 p.m. until 5:00 p.m. Generally, I would arrive at work at 8:00 a.m. and would leave between 6:00 p.m. and 7:00 p.m. with an hour for lunch.

6. Los Demandados no me proporcionaron un "aviso de salario" que contenía la tarifa o tasas de pago y si me pagaron por hora, turno, día, semana, salario, pieza, comisión u otras; asignaciones, si las hubiera, reclamaciones como parte del salario mínimo, incluidas propinas, comidas o asignaciones de alojamiento; el día de pago regular designado por el empleador; el nombre del empleador; cualquier nombre de "hacer negocios como" usado por el empleador; la dirección física de la oficina principal del empleador o el lugar principal de una empresa, y una dirección postal, si es diferente, y un número del teléfono del empleador.

The Defendants did not provide me with a "wage notice" that contained the rate or rates of pay and whether I was paid by the hour, shift, day, week, salary, piece, commission or other; allowances, if any, claims as part of the minimum wage, including tips, meals or lodging allowances; the regular pay day designated by the employer; the name of the employer; any "doing business as" names used by the employer; the physical address of employer's main office or principal place of a business, and a mailing address, if different, and a telephone number of the employer.

7. Nunca recibí talonarios de pago o declaraciones con salarios brutos, deducciones y salarios netos enumerados.

I never received any pay stubs or statements with gross wages, deductions, and net wages listed.

8. Se adjuntan copias verdaderas y precisas de fotos de tarjetas de tiempo que tome con mi propio telefono celular personal y se las proporcione a mis abogados. Estas taretas de tiempo son las que solia marcar en mi trabajo en Met Foods. Estos son desde finales de 2017 y principios de el 2018.

Attached hereto are true and accurate copies of photos of time cards that I took with my own personal cell phone and provided to my attorneys. These time cards are what I used to punch in and punch out on for my work at Met Foods. These are from late 2017 and early 2018.

9. Los acusados me exigieron que entrara y saliera con un reloj, pero nunca use las tarjetas de tiempo para calcular mi salario semanal.

Defendants required that I clock in and out with a time clock, but never used the time cards to calculate my weekly wages.

10. Siempre trabaje mas de 40 horas a la semana.

I consistently worked over 40 hours a week.

11. Creo que el Demandado Mahmoud Hassan Dolah fue el Director Ejecutivo de Met Foods durante el tiempo que estuve trabajando alli. Actuo como gerente general de la tienda y tenia al poder de contratarme y despedirme, superviso mi trabajo, delego tareas, fijo tasas de pago y ejercio un control sustancial sobre mis oligaciones y responsabilidades, asi como las de otros empleados de Met Foods.

I believe Defendant Mahmoud Hassan Dolah was the CEO of Met Foods during the time I was working there. He acted as the general manager of the store and had the power to hire and fire me, supervised my work, delegated tasks, set pay rates, and exercised substantial control over my duties and responsibilities, as well as those of other employees of Met Foods.

12. Creo que el acusado Khalid Dolah fue gerente de Met Foods durante el tiempo que estuve trabajando alli. Tenia el poder de contratarme y despedirme, superviso mi trabajo, delego tareas, fijo tasas de pago y ejercio un control sustancial sobre mis deberes y responsabilidades, asi como los de otros empleados de Met Foods.

I believe Defendant Khalid Dolah was a manager of Met Foods during the time I was working there. He had the power to hire and fire me, supervised my work, delegated tasks, set pay rates, and exercised substantial control over my duties and responsibilities, as well as those of other employees of Met Foods.

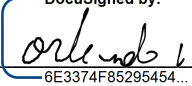
13. Creo que el acusado Amin Dolah was a manager of Met Foods during the time I was working there. He had the power to hire and fire me, supervised my work, delegated tasks, set pay rates, and exercised substantial control over my duties and responsibilities, as well as those of other employees of Met Foods.

I believe Defendant Amin Dolah was a manager of Met Foods during the time I was working there. He had the power to hire and fire me, supervised my work, delegated tasks,

set pay rates, and exercised substantial control over my duties and responsibilities, as well as those of other employees of Met Foods.

Declaro solemnemente que lo que antecede es verdadero y correcto, a mi leal saber y entender, bajo pena de perjurio.

I solemnly declare that the foregoing is true and correct to the best of my knowledge, under penalty of perjury.

DocuSigned by:

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Signature _____ Date 6/8/2019

Orlando Valerio

Printed Name _____

CERTIFICATE OF TRANSLATION:

I, Yelenia Casas, am fluent in Spanish and English. I hereby swear or affirm that the English and Spanish versions of the statements above say substantially the same thing.

DocuSigned by:

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Signature _____ Date 6/10/2019